

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Trinidad Mederos,)	Civil Action No.: 4:19-2770-BHH
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
Warden, FCI Edgefield,)	
)	
Respondent.)	
_____)	

On September 30, 2019, Petitioner Trinidad Mederos (“Petitioner”) filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. On January 3, 2019, the Respondent filed a motion to dismiss or, in the alternative, for summary judgment. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.), the matter was referred to a United States Magistrate Judge for review.

The Magistrate Judge issued an order on January 7, 2019, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4 th Cir. 1975), advising Petitioner of the pending motion and the possible consequences if he failed to respond. Petitioner failed to respond. Thus, on February 18, 2020, the Magistrate Judge issued a Report and Recommendation, outlining the issues and recommending that the Court dismiss this action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure based on Petitioner’s failure to prosecute and/or failure to comply with the Court’s orders. Attached to the Report was a notice advising Petitioner of his right to file written objections to the Report within fourteen days of being served with a copy.

On March 2, 2020, Petitioner filed objections to the Magistrate Judge’s Report along with a response to Respondent’s motion to dismiss or for summary judgment. In his

objections, Petitioner asserts that he is unable to understand English and that he must rely on the help of others to comprehend the Court's orders and submit pleadings. Petitioner also asserts that numerous lockdowns prevented him from timely responding to the Magistrate Judge's *Roseboro* order.

After review, and in light of the fact that Petitioner has now submitted a response to the motion to dismiss or for summary judgment, the Court finds that dismissal pursuant to Rule 41(b) is no longer warranted.

Thus, the Court declines to adopt the Magistrate Judge's Report (ECF No. 22) and instead remands the matter to the Magistrate Judge for further consideration of the materials recently submitted by Petitioner.

AND IT IS SO ORDERED.

/s/Bruce H. Hendricks
The Honorable Bruce H. Hendricks
United States District Judge

June 18, 2020
Charleston, South Carolina